

**AN ORDINANCE BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION**

**06-0-0989**

AN ORDINANCE TO REPEAL CHAPTER 106, ARTICLE III, SECTION 106-86 OF THE ATLANTA CITY CODE IN ORDER TO ELIMINATE ANY RESTRICTION OF STREET MUSICIANS WHO PERFORM STRICTLY FOR DONATIONS AND TO RESOLVE ANY CONFLICTS WITH CHAPTER 30, ARTICLE XXIII, DIVISION I, SECTION 30-1401 AND CHAPTER 30, ARTICLE XXIII, DIVISION II, SECTION 30-1426.

**WHEREAS**, Chapter 106, Article III, Section 106-86 of the Atlanta City Code provides that “it shall be unlawful for any person to make music on the streets of the city without first obtaining a license or permit; and it shall further be unlawful for any person, with or without a license or permit, to make music on the streets of the city for the purpose of begging;” and

**WHEREAS**, in August 2000 the City Council passed Ordinance 00-0-1065 amending Chapter 30, Article XXIII, Division I, Section 30-1426 in order to protect the constitutional right of street musicians to freely express themselves in a traditional public forum by providing that “[n]o permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing;” and

**WHEREAS**, in August 2000 the City Council passed Ordinance 00-0-1065 amending Chapter 30, Article XXIII, Division I, Section 30-1401 in order to exclude the regulation of street musicians who only accept donations while performing music; and

**WHEREAS**, the City Council desires to resolve the conflict posed by Chapter 106, Article III, Section 106-86 by clarifying its intent not to criminalize, regulate, or require a permit for street musicians who perform only for donations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**Section 1:** Chapter 106, Article III, Section 106-86 of the Atlanta City Code is hereby repealed and deleted in its entirety.

**Section 2:** that all ordinances or parts of ordinances in conflict with the provisions contained herein are hereby repealed.